

December 17, 2002

PUBLIC ADMONITION

OF

**THE HONORABLE KENNETH SCHEIBENBERGER
JUDGE OF THE ALLEN SUPERIOR COURT**

The Indiana Commission on Judicial Qualifications determined that formal ethics charges are warranted against Judge Kenneth Scheibenberger, judge of the Allen Superior Court, for judicial misconduct described below. However, pursuant to Supreme Court Admission and Discipline Rule 25 VIII E(7), the Commission and Judge Scheibenberger have agreed that the Commission will issue this Public Admonition in lieu of formal charges.

In March of 2001, Judge Scheibenberger's son was charged in the Allen Superior Court with a misdemeanor. He was to appear in court before a Magistrate on April 26, 2001 for a determination whether he was eligible for a pre-trial diversion program. Later, he advised his father, Judge Scheibenberger, that he needed additional time to prepare for the upcoming hearing. Therefore, on April 24, 2001, Judge Scheibenberger obtained his son's court file from an employee of the clerk's office and made an entry indicating the case was continued at the defendant's request.

The Commission concluded that when Judge Scheibenberger took judicial action in his son's case he violated Canons 1 and 2 of the Code of Judicial Conduct, which require judges to uphold the integrity and independence of the judiciary, Canon 2B, which forbids judges from using the power of the judicial office to advance their private interests, and Canon 3E which prohibits judges from acting in cases involving close relatives. The Commission concluded further that Judge Scheibenberger committed conduct prejudicial to the administration of justice.

Judge Scheibenberger has cooperated fully with the Commission in this matter, which is concluded with this Admonition.

Questions about this Admonition may be directed to Meg Babcock, counsel for the Commission, at (317) 232-4706, or to Robert L. Thompson, counsel for Judge Scheibenberger, at (260) 426-0674.